

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION**  
**SPECIAL MEETING**  
**MINUTES**  
**July 9, 2020**

The special meeting was held online via Zoom on July 9, 2020. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners James Stone, Steve Smith, Regina Mizell, Mary Singer, David Vest, and Charlie Mifflin, Director Joe Kane, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner Byron Moran.

Motion by Stone, second by Smith, to approve the June invoices. Motion carried.

Motion by Mizell, second by Smith, to approve the June 11, 2020 minutes. Motion carried.

Motion by Mifflin, second by Mizell, to approve the July agenda. Motion carried.

All those intending to speak before the Commission were sworn in by Mr. Perkins individually prior to their comments and questions.

Postponements/Withdrawals

Chairman Sulski stated that the applications for Snowball Trust Property Amended (FSP-2020-13) and Mitchell Property (FSP-2020-24) have been postponed until the next regular scheduled meeting.

Consent Agenda

A representative of the Willoughby Property application (FSP-2020-26) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mizell, second by Smith, to approve the application. Motion carried.

A representative of Humphrey Property application (FSP-2020-27) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Smith, second by Singer, to approve the application. Motion carried.

A representative of Dearing – 944 E. Main Street applications (PSP-2020-28 and PDP-2020-29) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mizell, second by Smith, to approve the application. Motion carried.

FSP-2020-10 Hunt Property – Final Subdivision Plat to subdivide a 25-acre lot into 3 lots located on Cincinnati Pike.

Mr. Kane stated that the application is to divide the lot into three lots and to reshape the preserved area. He stated the preserved area was a parcel reserved for a cluster subdivision that was abandoned in 2017. He stated it was approved in 2001 and was known as Phase 2. He stated 26, 1-acre lots were platted. He continued going through the history of Cedar Hills up until 2017 when a new owner requested vacating the Preliminary Plat approval for Phase II-A.

He stated 3.634 acres of preserved area from the cluster development will be part of the 25 acres. He stated it was included in the 8.639 acre proposed lot.

Commissioner Smith questioned if Mr. Murphy had spoken to Mr. Kane about the application. He stated he had spoken to him a few times.

Mr. Kane stated he also had received an email from Karl and Sherri Eldridge expressing their concern with the application.

Redford Hunt, property owner, stated that he was shocked by some of the comments from the neighbors. He stated his desire is for his kids to be able to build on the lots.

Keith Winstead, Thoroughbred Engineering, stated that Brent Combs of Thoroughbred Engineering was unable to sign into the meeting. He stated Mr. Combs and Mr. Hunts are communicating throughout the meeting.

Michael Murphy, neighbor, questioned which plat was the plat that was revoked in 2017. He stated he does not understand how the plat was revoked and how the easement had changed that went through his property. Mr. Kane stated the Preliminary Plat was revoked in 2010 which revoked the cluster subdivision.

Mr. Murphy questioned how Alan Handleman could change the lots instead of the developer since his lots were last sold. Mr. Kane stated the easement is still on the current proposed plat and is to access lot 63.

Mr. Murphy stated the Final Subdivision Plat has changed since he brought his property and he thinks the property was intended to remain preserved area. Mr. Kane stated that the property was probably intended to remain preserved area. Commissioner Smith stated the original developer no longer owns the property.

Mr. Kane stated that the Final Subdivision Plat was not revoked but the Preliminary Plat approval. He stated since the cluster development stopped, the preserved area is no longer needed.

Mr. Murphy stated that he does not understand how Mr. Handleman could revoke the plat when the developer still owns property in the middle. Mr. Kane stated that Mr. Murphy's lots did not change.

Mr. Kane stated maybe the access easement needs to be reviewed further. He stated in the cluster regulations you can have cluster lots and 5-acre lots.

Mr. Perkins stated that since there is no Phase 2 then you do not need the preserved area. He stated revoking the plat gave the property owners the same rights as others.

Mr. Murphy questioned again if the plat could be revoked when the developer still owns some of the property. Mr. Perkins stated the developer waived his right when he sold the property.

Melody Moran, 109 Summeridge Road, stated that she has multiple concerns with the application. She stated that when Mr. Hunt bought the property, she was told by the Planning Commission that houses could never be built there.

She questioned what is the purpose of a preserved area. Mr. Kane stated that cluster subdivisions originally developed to preserve farmland. He stated allowing the smaller lots helps preserve open space.

Ms. Moran stated that the 94 acres is far away from the cluster lots and has no benefit to them. She stated that Mr. Hunt assured the homeowners the 25 acres would just be a place for his kids to enjoy and would not be developed.

Mr. Perkins stated that there is not a guarantee that preserved area will border any specific lot.

Ms. Moran stated that she does not support the relocation of the 1.92 acres of preserved land and the division of the 25 acres.

Commissioner Smith stated that this situation has happened before.

Mr. Perkins stated he can think of maybe two final development plats that were revoked.

Ms. Moran stated her husband led a petition so that Mr. Hunt would not have to fence his 25-acre lot. She stated that meeting is when she was told by the Planning Commission that the lot would never be built on.

Mr. Perkins stated that could have been a mistake but once the plat was revoked, the Planning Commission cannot enforce that.

Mr. Murphy questioned what property rights he has.

Commissioner Mifflin questioned Mr. Murphy what he thinks Mr. Hunt is going to do with the property. Mr. Murphy stated he is not sure.

Mr. Murphy questioned what Mr. Hunt and himself can do with their properties. Mr. Kane stated that Mr. Murphy can go to the office and discuss his options with staff.

Commissioner Mifflin questioned the access easement on the plat. Mr. Kane stated it needs to be researched further.

Chairman Sulski stated that maybe the application needs to be postponed until the easement issue can be figured out.

Mr. Hunt stated that the easement was his and that he is giving it to Mr. Handleman.

Chairman Sulski questioned if the access easement is for lot 62 or lot 63. Mr. Kane stated it may be mislabeled on the new plat.

Chairman Sulski questioned if the access easement goes through the middle of Mr. Murphy's property. Mr. Hunt stated that the easement is on the property line of different tracts of Mr. Murphy's property.

Mr. Murphy stated the access easement goes through the center of his 15-acre lot. Chairman Sulski questioned Mr. Murphy if the access easement existed when he bought his property. He stated the easement was on his plat before he bought the property and that it stated access for tract 62.

Chairman Sulski questioned the legality of the access easement now stating access for tract 63. Mr. Kane and Mr. Perkins stated the plat needed to be corrected to allow access for tract 62.

Mr. Murphy stated again his concern over the easement. Mr. Perkins stated the access easement was existing.

Chairman Sulski stated he does have concern about the access easement and if it had changed. Mr. Perkins stated the access easement looks the same to him.

After further discussion, **Motion by Mifflin, second by Smith, to continue the application until the next regularly scheduled meeting. Motion carried.**

PDP-2020-30 Firestone Complete Auto Care – Preliminary Development Plan for a 6,262 square feet commercial building located at 111 Marketplace Circle.

Mr. Kane stated the lot has triple frontage which has caused some setback issues. He stated the lot also has some rock issues. He stated the applicant has requested a variance to move the building to the east to reduce construction costs.

He states the property is zoned B-2 and has 50-foot setbacks on all sides. He stated the applicant has requested a 7-foot setback along Lusby Path.

He stated the applicant is requesting a variance for landscaping along McClelland Circle and a variance to use small trees due to the location of the waterline.

He stated there is concern regarding the dumpster location. He stated the neighboring property owner does not like the location of the dumpster but that it may be possible to relocate the dumpster.

He stated the application does meet the parking and other landscape requirements.

Chris Hardy, CEI Engineering, stated the applicant prefers to leave the dumpster in the current location but would add additional landscaping to screen the dumpster.

David Lusby, neighbor, stated he has a couple of concerns regarding the application. He stated the dumpster location concerns him. Mr. Hardy stated because of the store operations moving the dumpster to the other side would not work for the business.

Mr. Lusby questioned if the building layout could be flipped. Commissioner Mifflin stated that he also wondered if the building could be flipped.

Radoslav Nedkov, CEI Engineering, stated a truck could not maneuver the parking lot if the dumpster is moved to the side south of the building. He stated the enclosure around the dumpster will be brick like the building.

Chairman Sulski questioned if all the lots on that side of Marketplace Circle dumpsters locate facing the street. Mr. Kane stated the dumpsters are located on the north side of the lot. Mr. Nedkov stated the opening of the dumpster would be facing the west.

Chairman Sulski questioned if there could be a gate to hide the dumpster. Mr. Nedkov stated the applicant would be willing to screen the dumpster in order to reach an agreement.

Mr. Lusby questioned if the dumpster enclosure could be brick and have a top on top of it to screen it. Mr. Nedkov stated that is more of an architectural feature.

Bob Gage, developer, stated the exterior of the dumpster will match the exterior of the building. He stated it would have brick, a top, a wooden gate and will have landscape around it.

He stated flipping the building would not showcase the building to the McClelland Circle traffic that they are trying to attract.

Mr. Lusby stated that he feels flipping the building would make the showroom closer to the busy intersection. He stated moving the signage location could be done.

Mr. Gage stated that the dumpster could be moved more to the west to help with sightline at the intersection.

Chairman Sulski questioned Mr. Lusby if he is more concerned about sight distance or appearance. Mr. Lusby stated that he is concerned with both. He asked if the dumpster could be moved closer to the building. Mr. Gage stated that the dumpster could be moved 10-foot to the west.

Mr. Lusby questioned if that end of the building could be made more architecturally pleasing. Mr. Gage stated that he could add a couple of awnings but there is also a lot of landscaping on that side of the building.

Mr. Lusby questioned if the two trees at the intersection of Marketplace Circle and Lusby Path could be smaller. Mr. Gage stated he has no problem changing the trees.

Mr. Lusby questioned if he could recommend the types of trees and shrubs to be used and if it could be on record that the applicant will add two more awnings to the end of the building. Mr. Gage stated if two awnings are recommended by the Planning Commission then he would add that. Mr. Gage questioned Mr. Kane if he approved of the changes requested by Mr. Lusby. Mr. Kane stated he approved of the changes.

Mr. Lusby stated he sold the lot to Brent Rice who has developed the other lots. He stated his understanding is that Mr. Rice is not developing this lot. Mr. Lusby requested that black posts be used for stop-signs and handicapped parking signs at the development. Mr. Gage confirmed that the applicant needs to match the other developments and he did not see that being an issue.

Mr. Lusby questioned the direction of the lights. Mr. Gage stated that they are down lights. Mr. Lusby questioned if more lights could be added to the end of the building. Mr. Gage stated typically they have one light over the door. Mr. Lusby requested if two up/down lights could be installed. Mr. Gage stated Firestone is a national chain and he would have to check with their vendor about the lights.

Mr. Gage questioned if the Planning Commission approved of the requests by Mr. Lusby. He stated he wanted to confirm the requests to make sure he had everything. He stated his list included black posts for stop-signs and handicapped signs, an additional light on the north side preferable an up/down light, two awnings on the north side of the building, two less dense trees on the north corner of the property, and evergreen shrubs around the dumpster location.

Commissioner Smith questioned if an agreement had been reached about the location of the dumpster. Mr. Lusby stated he will only support the development if the dumpster is moved 10-foot to the west and Mr. Gage agreed to move the dumpster.

Mr. Lusby questioned if there will be landscaping between the buildings. It was stated that a shared paved access drive is between the two properties.

After further discussion, **Motion by Stone, second by Singer, to approve the Preliminary Development Plan (PDP-2020-30) subject to eight (8) conditions of approval and four (4) variances. Motion carried.**

#### Future In-Person Meeting Options

Options were discussed to again start meetings in person. After further discussion, it was decided that the August meeting will be a Zoom meeting and September's meeting will be discussed at that time.

#### HB 55 Hours

Mr. Kane stated that some of the Commissioners are needing HB 55 training hours. He stated that he will get a list of webcasts together and send out to the Commissioners for them to complete their training hours.

The meeting was then adjourned.

Attest:

  
Charlie Perkins, Secretary

  
Mark Sulski, Chairman